

18 October 2011

Police Reform and Social Responsibility Act 2011

Ward(s) All

Portfolios: Councillor Z. Ali – Communities and Partnerships

Report:

This report offers a briefing on the Police Reform and Social Responsibility Act and related issues, including local transition arrangements.

The Panel should note that the government proposes that the first Police and Crime Commissioner elections will be on Thursday 15 November 2012 (six months later than originally planned).

1. After the May 2010 election, the new coalition government published proposals for policing reform in the white paper *Policing in the 21st Century*. This paper is underpinned by key assumptions that British policing is comparatively expensive, too centrally directed and measured, and insufficiently responsive to local need. More specifically, the paper concludes that police authorities are “invisible” and need replacement. The *Police Reform and Social Responsibility Bill* (PR&SRB) followed, introduced into the House of Commons on 30 November 2010, and received Royal Assent on 15 September 2011. The Act includes provisions across a range of issues (such as changes to licensing laws and rights of protest near the Palace of Westminster, powers to issue temporary bans for new drugs, and changes to the process for private prosecutions), but much attention has focussed the reform of policing governance, specifically the introduction of directly elected Police and Crime Commissioners (PCCs) in each territorial police force outside London, replacing the existing police authorities, which will be abolished.

2. The Police Reform and Responsibility Bill was amended significantly by Peers during its passage, including removing the proposals for directly elected PCCs. These provisions were restored by the Commons in the final “ping-pong” stage. This restored the Bill to its original form, except that the date of the first Police and Crime Commissioner (PCC) elections will be postponed until Thursday 15 November 2012.

Local transition arrangements

3. A West Midlands Governance Transition Board has been established. Its membership is as follows:

- Membership of the Transition Board has been agreed as:
- Authority membership – Cllr Diana Holl-Allen and Roger Hughes
- Force membership – DCC David Thompson
- Local Authority membership – Stephen Hughes, Chief Executive, Birmingham City Council, leading on elections and police and crime panel
- Community Safety Partnership membership – John Polychronakis Chief Executive, Dudley Metropolitan District Council (Mark Rogers to substitute when necessary)
- Local Criminal Justice Board membership – Mike Maiden, Chief Executive, Staffordshire and West Midlands Probation Trust and Chair, West Midlands Criminal Justice Board
- West Midlands Police Authority Treasurer – Mike Williams

- Senior Responsible Owner – Jacky Courtney, Chief Executive, West Midlands Police Authority
- Programme Manager – Ben Jarrett, Audit Manager, West Midlands Police Authority

4. The Transition Board will oversee implementation of the following objectives:

- To establish the PCC and the Chief Constable as a legal entity
- To work with the returning officer in the election of the police and crime commissioner, including the management of the interface of candidates with the Authority and the Force
- To provide for staff selection, recruitment, transfer, induction and ongoing training
- To establish the local policing body's governance, control and accountability framework
- To develop the local policing body's crime role, to include work with crime and disorder reduction partnerships, the wider criminal justice system and all other agencies key to the delivery of the crime agenda
- To establish the mechanisms by which the local policing body will meet its statutory consultation duties
- To develop planning documentation, statutory and otherwise
- To establish the budget requirements and ensure adequate and timely budget provision and establish financial management systems
- To develop the local policing body's communication, procedures and processes with the Police and Crime Panel
- To develop an appropriate and effective complaints process
- To develop a communications and public relations strategy
- To maintain custody visitor schemes
- To produce statutory publications
- To develop a working and technical environment
- To agree transfer of liabilities
- Management of risk

5. Many of these objectives are the responsibility of the Police Authority and

West Midlands Police. However, a number will require close working with partner organisations:

- To work with the returning officer in the election of the police and crime commissioner, including the management of the interface of candidates with the Authority and the Force

Assuming Parliamentary approval, the first election will take place on 15 November 2011. The Home Office has written to all returning officers asking for applications to become a Police Area Returning Officer. Stephen Hughes, Chief Executive of Birmingham City Council, is to fulfil this role for the West Midlands. The election will be by the Supplementary Vote system. This poses novel logistic and organisational challenges that Returning Officers and elections teams will need to address. There will also need to be guidance relating to interaction with likely candidates prior to the election.

- To develop the local policing body's crime role, to include work with crime and disorder reduction partnerships, the wider criminal justice system and all other agencies key to the delivery of the crime agenda

Government policy on the crime and commissioning role of PCCs is still developing. The Bill gives powers to the PCC to develop force wide community safety structures, including the making of 'combination agreements' for the purposes of the Crime and Disorder Act 1998. While it will not be possible to determine the approach in advance of the election of the PCC it is possible for work to be done to both develop options but also work with the Home Office and CLG as Government policy develops.

The Police Authority is developing proposals for a Force-wide senior community safety board, and will be consulting on these shortly. This forum, along with the existing Heads of Community Safety Group (also facilitated by the Police Authority), offers potential for consideration of how PCCs will work with existing Community Safety Partnerships and develop their commissioning role.

It is notable that the delay in the first elections for PCCs creates the possibility that PCCs will be given access to crime and disorder grant funding from the outset, increasing the requirement to have in place commissioning mechanisms for services. Further information on the likelihood of this date being implemented is awaited from the government.

In order to support development of government policy in this area, West Midlands Police Authority has, along with four other authorities, been approached by the Home Office to participate (in conjunction with CLG and the Ministry of Justice) in a 'deep dive' research and consultation project. The objective is to gain a better understanding of the potential crime and commissioning role of the PCC, and the work

will involve all the responsible authority partners

- To develop the local policing body's communication, procedures and processes with the Police and Crime Panel (PCP)

Responsibility for establishing the Police and Crime Panel will fall to local authorities. Once established the Panel will become a joint committee constituted under local authority legislation. The Panel will comprise a minimum of 10 councillors and two co-optees and must include at least one councillor from each local authority in the Force-area. The Bill provides that with the agreement of the Home Secretary the Panel can comprise up to 20 members.

Funding for PCPs is an issue of concern. Home Office planning for PCPs envisaged funding comprised of a small budget for expenses and the average salary costs of a single scrutiny officer for each PCP. Only later in the Bill's passage through Parliament was provision for members' allowances included which could increase the overall financial requirement.

It is notable that where elected mayors lead local authorities in a given force-area, then they are automatically entitled to be members of the PCP. There could be two elected mayors in the WMP area (subject to referendums in May 2012).

The PCP's powers are as follows:

- Potential veto of PCC precept proposals (two-thirds majority required)
- Potential veto of PCC Chief Constable appointments (two-thirds majority required)
- Requiring reports / presentations / meetings
- Confirmatory hearings on appointments of the PCC
- Scrutiny of decisions of PCC
- Dealing with complaints against the PCC, including suspension of a PCC
- Appointment of an Acting Commissioner

It is notable that current selection of Police Authority members is the responsibility of the Joint Leaders Board.

Conclusion

6. The six-month delay to the initial PCC elections provides additional time for the development of the three key areas for consideration that involve partner agencies:

- PCC elections
- Police and Crime Panels
- How the new structures will mesh with existing community safety networks

The Police Authority has established a governance transition board but further planning and organisation involving a range of partners and forums will be necessary.

Recommendations:

That:

That, subject to any comments Members may wish to make, the report be noted.

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